

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

| | | |
|-------------------------------|---|-------------------------------|
| SEDZIDA DOLIC, |) | No. ED103726 |
| |) | |
| Petitioner/Appellant, |) | Appeal from the Circuit Court |
| |) | of St. Louis County |
| v. |) | |
| |) | |
| MISSOURI DEPARTMENT OF SOCIAL |) | Honorable Gloria Clark Reno |
| SERVICES, FAMILY SUPPORT |) | |
| DIVISION, |) | |
| |) | |
| Respondent/Respondent. |) | Filed: June 21, 2016 |

Sedzida Dolic (Appellant) appeals from the decision of the St. Louis County Circuit Court affirming the decision of the Director (Director) of Missouri Department of Social Services, Family Support Division (Division) establishing a claim for overpayment of MO HealthNet for Families (Medicaid) benefits in the amount of \$8,367.66.

On appeal, Appellant asserts the Director erred in (1) collecting the overpayment through a means other than decreasing, suspending, or entirely withdrawing future Medicaid benefits; (2) establishing the claim when the benefits were not received through misrepresentation, nondisclosure of material facts or a failure to report or correct information; and (3) violating the due process requirements of the Medicaid Act and the United States Constitution.

DISMISSED IN PART, AFFIRMED IN PART, REVERSED IN PART, and REMANDED WITH DIRECTIONS.

Division Four Holds: Appellant's challenge to the Division's method of collection is not ripe for review and must be dismissed. The Division may establish a claim for the overpayment of benefits even though the benefits were not received due to Appellant's misrepresentation, nondisclosure, or failure to report a change in status or correct information with respect to property or income. The Division's hearing procedures violated Appellant's federal statutory rights to procedural due process.

Opinion by: Sherri B. Sullivan, P.J. Kurt S. Odenwald, J., and Lisa P. Page, J., concur.

Attorney for Appellant: Lucas Caldwell-McMillan
Attorneys for Respondent: Chris Koster and Jennifer O. Addadi

| |
|--|
| THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED. |
|--|